

# FACSIMILE TRANSMISSION TO USPTO

CERTIFICATION OF FACSIMILE TRANSMISSION:  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
FACSIMILE TRANSMITTED TO THE USPTO ON THE DATE SHOWN  
BELOW:

Date of Transmission: August 15, 2002

Name of Person

Making Transmission: Susan David

Signature: *S. David 8/15/02*

DOCUMENT(S) FAXED: (MARKED WITH X)

4 PAGES ATTACHED

☒ Amendment  
☐ Restriction Requirement  
☐ Other: \_\_\_\_\_

☐ Notice of Appeal  
☐ Terminal Disclaimer  
☐ Other: \_\_\_\_\_

Re Applic of	Cyprian E. Uzoh, et al.
Docket No.	FIS9-1997-0138-US2
Serial No.	09/604,539
Filing Date	June 27, 2000
Attorney	Tiffany L. Townsend

FAX RECEIVED  
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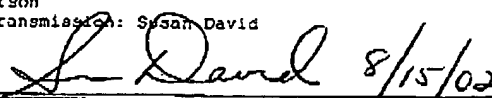
EXAMINER: Michael E. LaVilla  
ART UNIT: 1775  
PHONE NO: (703) 308-4428  
FAX NO: (703) 872-9310

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## INTERNATIONAL BUSINESS MACHINES CORPORATION

Intellectual Property Law  
East Fishkill Facility  
2070 Route 52  
Hopewell Junction  
New York 12533-6531

Fax: 845-892-6363  
Phone: 845-894-9664

AMENDMENT TRANSMITTAL LETTER (Large Entity)				Docket No. FIS9-1997-0138-US2	
Applicant(s): CYPRIAN E. UZOH, ET AL.	Serial No. 09/604,539	Filing Date 06/27/00	Examiner MICHAEL E. LAVILLA	Group Art Unit 1775	
Invention: ELECTROMIGRATION-RESISTANT COPPER MICROSTRUCTURE					
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0458 A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: August 15, 2002		
Tiffany L. Townsend, Attorney Registration No. 43,199 Tel. : (845) 894-3668 Fax : (845) 892-6363					
CERTIFICATION OF FACSIMILE TRANSMISSION: I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE USPTO ON THE DATE SHOWN BELOW: Date of Transmission: August 15, 2002 Name of Person Making Transmission: Susan David Signature:  8/15/02					

CC:

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10991745-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): SAID ZAMANI-KORD et al.

Confirmation No.: 7179

Application No.: 09/443,401

Examiner: NGUYEN, K.

Filing Date: Nov 19, 1999

Group Art Unit: 1774

Title: TECHNIQUES TO PREVENT LEAKAGE OF FLUORESCING SIGNALS THROUGH  
PRINT MEDIA OR INDICIA TAPE

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ( ) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee (Address envelope to "Box Non-Fee Amendments")  
(X) Other: Request to Withdraw Finality of Office Action (fee \$ )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$84	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$400.00	3RD MONTH \$920.00	4TH MONTH \$1440.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this paper is being  
transmitted to the Patent and Trademark Office  
facsimile number 17031 872-9311 on Aug 15, 2002

Number of pages: 3

Typed Name: Colette Angle-Olson

Signature: Colette Angle-Olson

Respectfully submitted,

SAID ZAMANI-KORD et al.

By

Larry K. Roberts

Attorney/Agent for Applicant(s)

Reg. No. 28,464

Date: Aug 15, 2002

PATENT  
10991745-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Said Zamani-Kord et al.

Serial No. 09/443,401

Filed: 11/19/1999

For: TECHNIQUES TO PREVENT  
LEAKAGE OF FLUORESCING  
SIGNALS THROUGH PRINT  
MEDIA OR INDICIA TAPE

Art Unit: 1774

Examiner: Nguyen, K.

#10

REQUEST TO WITHDRAW FINALITY OF OFFICE ACTIONCommissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicant respectfully requests that the Office reconsider and withdraw the final status of the office action mailed July 2, 2002. The action contains new grounds of rejection not necessitated by applicant's amendment filed April 22, 2002.

Under MPEP § 706.07(a), a second or any subsequent action on the merits in any application shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement during the period set forth in 37 CFR 1.9(c). Furthermore, a second action on the merits will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c), of any claim not amended by applicant.

Here, in the final action of July 2, 2002, the Examiner has introduced new grounds of rejection not necessitated by amendment nor based on information submitted by applicant. In particular, the rejection of Claims 1 and 10 under 35 USC § 103 as being unpatentable over Chatwin et al. (5,492,370) in view of Curatolo (6,165,609) is a new ground of rejection of claims which were not amended in the prior amendment. While the final action states that the rejection of claims 1 and 10 on this ground is "as previously stated in the Office Action submitted on December 12, 2001," the previous rejection was based on Chatwin

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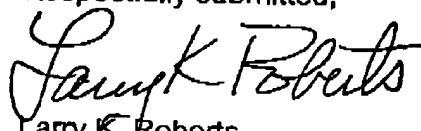
10991745-1

et al. in view of Mansukhani (4,243,694). Curatolo is first made of record in the Office Action of July 2, 2002.

Because the final status of the outstanding rejections is contrary to MPEP 706.07(a), and because applicant will otherwise be deprived of a full opportunity to respond to the new rejection of Claims 1 and 10, applicants respectfully requests that the final status of the action mailed July 2, 2002 be withdrawn.

While it is not believed that any fee is due for this request, should the Office disagree, any fee due may be charged to the assignee's deposit account, 08-2025, as authorized in the accompanying transmittal letter.

Respectfully submitted,

  
Larry K. Roberts  
Registration No. 28,464

Dated:

8/15/02

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